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OCT 06 2004

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|----------------------------|---|---------------------|
| In re Application of | : | OFFICE OF PETITIONS |
| Mitchell O. Stec | : | |
| Application No. 09/683,168 | : | ON PETITION |
| Filed: November 28, 2001 | : | |
| Attorney Docket No. Stec | : | |

This is a decision on the petition under 37 CFR 1.137(b), filed September 3, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed February 5, 2002, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on May 6, 2002.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the request for extension of time submitted with the petition on September 3, 2004 was subsequent to the maximum extendable period for reply. Therefore, no fee was charged.

Pursuant to petitioner's authorization, Deposit Account No. 50-0356 was charged of \$665.00 for the petition to revive an unintentionally abandoned application.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

The application file is being forwarded to Technology Center AU 3711.


Wan Laymon

Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy